

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
CHICAGO DIVISION**

In Re:

Case No. 16-30459

Kimberley MH Bolden

Chapter 13

Debtor(s).

Hon. Judge Jack B. Schmetterer

NOTICE OF MOTION TO COMPEL

VIA ELECTRONIC NOTICE:

Tom Vaughn, Trustee, ecf@tvch13.net

Christine H Clar, Counsel for Debtor, author@proofofpayments.com

David M Siegel, Counsel for Debtor, davidsiegelbk@gmail.com

VIA U.S. MAIL:

Kimberley MH Bolden, Debtor
1929 N. Howe Street, Unit #1E
Chicago, IL 60614

PLEASE TAKE NOTICE that on July 28, 2020, we have electronically sent for filing with the Clerk of the U.S. Bankruptcy Court, a Motion of US Bank Trust National Association as Trustee of the Cabana Series IV Trust to Compel, a copy of which is hereto attached.

Please take notice that on August 5, 2020 at 10:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Jack B. Schmetterer, or any judge sitting in that judge's place, and present the attached ***Motion of US Bank Trust National Association as Trustee of the Cabana Series IV Trust to Compel***, which has been electronically filed this date with the Clerk of the U.S. Bankruptcy Court for the Northern District of Illinois, a copy of which is hereby attached and served upon you by electronic notice or U.S. Mail.

This motion will be presented and heard telephonically. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at www.Court-Solutions.com or by calling Court Solutions at (917) 746-7476.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection

is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion without a hearing.

Dated: July 28, 2020

Respectfully Submitted,

/s/ Jon J. Lieberman

Jon J. Lieberman (OH 0058394)
Sottile & Barile, Attorneys at Law
394 Wards Corner Road, Suite 180
Loveland, OH 45140
Phone: 513.444.4100
Email: bankruptcy@sottileandbarile.com
Attorney for Movant

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the above-named parties by electronic filing or, as noted above, by placing same in a properly addressed and sealed envelope, postage prepaid, and depositing it in the United States Mail at 394 Wards Corner Rd., Suite 180, Loveland, OH 45140 on July 28, 2020, before the hour of 5:00 p.m.

/s/ Jon J. Lieberman

Jon J. Lieberman (OH 0058394)
Attorney for Movant

**UNITED STATES BANKRUPTCY COURT
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Kimberley MH Bolden Chapter 13

Debtor(s). Hon. Judge Jack B. Schmetterer

**MOTION OF US BANK TRUST NATIONAL ASSOCIATION AS TRUSTEE OF THE
CABANA SERIES IV TRUST TO COMPEL THE CHAPTER 13 TRUSTEE TO
COMMENCE DISTRIBUTION OF PAYMENTS TO CREDITOR ON AMENDED
PROOF OF CLAIM NO. 6**

NOW COMES US Bank Trust National Association as Trustee of the Cabana Series IV Trust (hereinafter, "Movant"), a secured creditor herein, by and through its attorneys, the law firm of Sottile & Barile, LLC, and hereby files this Motion to Compel and states as follows in support of this Motion:

1. Creditor holds the first residential mortgage on the Debtor's residence, located at 1929 N. Howe Street, Chicago, IL 60614. On June 21, 2017, Debtor's Chapter 13 Plan was confirmed. Debtor's Confirmed Plan indicated that Creditor's pre-petition mortgage arrearage amount of \$98,568.50 would be paid through the Chapter 13 Plan.
2. However, Creditor filed its original proof of claim incorrectly. Creditor filed an arrearage claim, but incorrectly filed it in the amount of 0 which was a mistake. This was obviously a mistake, as the loan had matured prior to filing and the arrearage was quite high--- as indicated by the Plan. On April 22, 2020, Creditor amended its proof of claim, to effectuate proper distributions from the Trustee. However, the Chapter 13 Trustee will not make payments on the amended proof of claim.
3. As the original claim was an arrearage claim in the amount of 0 and that was a mistake, it may be amended after the bar date.

WHEREFORE, Movant prays this Court enter an Order granting the Motion to Compel, and for such other and further relief as this Court may deem just and proper.

Dated: July 28, 2020

Respectfully Submitted,

/s/ Jon J. Lieberman

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Phone: 513.444.4100
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